

REMARKS SECTION

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Reconsideration and reexamination is respectfully requested.

Claims 1-22 were rejected under Section 112, first paragraph. The Office Action states that the instant compounds are mentioned to modulate chemokine receptor activity. However, the specification also teaches the compounds as being inhibitors of eosinophil migration as demonstrated in the chemotaxis assay on page 165 of the specification. Additionally, the instant application describes the general synthesis of the compounds of the present invention on pages 56-95 and the synthesis of the actual examples on pages 95-148. Furthermore, the application describes specific stereoisomers within the actual examples, see Table 1, pages 141-148. The instant application describes the actual examples as being active in the chemotaxis assay, see 165-168. Therefore, the instant application provides enablement for how to make and use the invention and working examples to show the efficacy of the compounds and stereoisomers.

Accordingly, Applicants submit that claims 1-22 were improperly rejected under Section 112, first paragraph and request that the rejection be withdrawn.

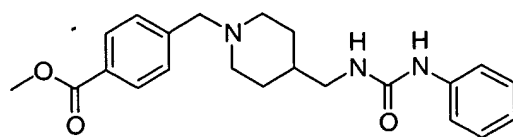
Claims 1-22 were rejected under Section 112, second paragraph. Claim 1 was rejected for containing the term "stereoisomer". This rejection is respectfully traversed. The term stereoisomer is not indefinite as stereoisomers of compounds are well known to one skilled in the art. Furthermore, it is pointed out that specific stereoisomers are shown in the Examples of the instant application.

Claims 11 and 12 and 17 have been amended, therefore withdrawal of the Section 112 rejection is respectfully requested.

Claims 14 and 18 have been canceled.

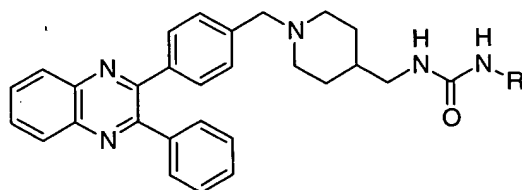
Claims 1-9, 11, 13 and 16 were rejected under Section 102 as being anticipated by the Shey reference. The rejection is respectfully traversed. The Shey reference discloses the compound

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The Shey reference discloses a compound having a) 1,4 substitution on the piperidine ring and b) a methylene linker between the piperidine ring (off the ring N) and the phenyl ring. The instant application does not claim either of these two arrangements, see Formula (I) and the definition of R⁵. Therefore, withdrawal of the Section 102 rejection is respectfully requested.

Claims 1-9, 11,13, and 16 were rejected under Section 102(e) as being anticipated by Bildeau (WO03/086394). The Bildeau reference teaches the following compound



wherein R is as defined in the reference. The Bildeau reference teaches a methylene linker between the piperidinyl ring (on the ring N) and the phenyl ring. The instant application does not claim a methylene linker between the ring N and the aryl ring, see the definition of R⁵ in the instant application. Therefore, withdrawal of the Section 102(e) rejection is respectfully requested.

Claims 1, 5, and 12 have been amended to remove the unelected subject matter.

New claims 23-24 have been added for the Examiner's consideration. Support for the new claims may be found in the original claims and the specification. No new matter is being added by this amendment.

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The application is now believed to be in condition for allowance and notification thereof is respectfully requested.

Respectfully submitted,



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